

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2072

Introduced by Assembly Member Eng

February 23, 2012

~~An act relating to health care practitioners.~~ *An act to amend Section 3209.3 of the Labor Code, relating to workers' compensation.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2072, as amended, Eng. ~~Acupuncturists:—educational requirements.~~ *Workers' compensation: acupuncturists.*

Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment. Existing law prohibits an acupuncturist, as defined, from being authorized to determine disability for certain purposes relating to workers' compensation disability payments and benefits.

This bill would instead prohibit an acupuncturist from being authorized to determine disability for these purposes unless he or she is designated as a qualified medical evaluator pursuant to specified provisions of law. The bill would also make technical changes.

~~Existing law, the Acupuncture Licensure Act, provides for the licensing and regulation of the practice of acupuncture.~~

~~Existing law establishes the Acupuncture Board which establishes standards for education and training in the practice of acupuncture.~~

~~This bill would state that it is the intent of the Legislature to enact legislation that would modify the educational requirements for acupuncturists.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3209.3 of the Labor Code is amended to
2 read:

3 3209.3. (a) “Acupuncturist” means a person who holds an
4 acupuncturist’s certificate issued pursuant to Chapter 12
5 (commencing with Section 4925) of Division 2 of the Business and
6 Professions Code.

7 ~~(a)~~

8 (b) “Physician” includes physicians and surgeons holding an
9 M.D. or D.O. degree, psychologists, acupuncturists, optometrists,
10 dentists, podiatrists, and chiropractic practitioners licensed by
11 California state law and within the scope of their practice as defined
12 by California state law.

13 ~~(b)~~

14 (c) “Psychologist” means a licensed psychologist with a doctoral
15 degree in psychology, or a doctoral degree deemed equivalent for
16 licensure by the Board of Psychology pursuant to Section 2914 of
17 the Business and Professions Code, and who either has at least
18 two years of clinical experience in a recognized health setting or
19 has met the standards of the National Register of the Health Service
20 Providers in Psychology.

21 ~~(c)~~

22 (d) When treatment or evaluation for an injury is provided by
23 a psychologist, provision shall be made for appropriate medical
24 collaboration when requested by the employer or the insurer.

25 ~~(d) “Acupuncturist” means a person who holds an~~
26 ~~acupuncturist’s certificate issued pursuant to Chapter 12~~
27 ~~(commencing with Section 4925) of Division 2 of the Business~~
28 ~~and Professions Code.~~

29 ~~(e)~~

30 (e) Nothing in this section shall be construed to authorize
31 ~~acupuncturists~~ an acupuncturist to determine disability for the
32 purposes of Article 3 (commencing with Section 4650) of Chapter
33 2 of Part 2, or under Section 2708 of the Unemployment Insurance
34 Code, *unless he or she is designated as a qualified medical*
35 *evaluator under Section 139.2.*

1 ~~SECTION 1.—It is the intent of the Legislature to enact~~
2 ~~legislation that would modify the educational requirements for~~
3 ~~acupuncturists.~~

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